

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALFONSO RODRIGUEZ,  
Plaintiff,

-v-

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,  
Defendant.

18-CV-11402(JPO)

ORDER

J. PAUL OETKEN, District Judge:

Petitioner Valerie Jane Crown, attorney for Plaintiff Alfonso Rodriguez, petitions this Court to authorize attorney's fees totaling \$41,773.50 in this matter. Section 206(b)(1)(A) of the Social Security Act, 42 U.S.C. § 406(b)(a)(A), provides that a court may award a "reasonable" attorney's fee not in excess of 25 percent of past-due benefits under Title II of the Social Security Act for an attorney's representation of a plaintiff for Title II benefits before that court. In determining whether a fee award is reasonable, "courts must analyze (1) the character of the attorney's representation and the results they achieved, (2) whether the attorney was responsible for delay in the case, and (3) whether the benefits are large in comparison to the amount of time counsel spent in the case, so as to avoid a windfall for counsel." *Bate v. Berryhill*, No. 18-CV-1229, 2020 WL 728784, at \*2 (S.D.N.Y. Feb. 13, 2020) (citing *Gisbrecht v. Barnhart*, 535 U.S. 789, 808 (2002)).

The fee agreement between Petitioner and Plaintiff stated that Petitioner would receive fees totaling 25 percent of Plaintiff's past-due benefits. The amount of past due benefits was adjudicated to be \$214,606.00. All three *Gisbrecht* factors weigh in favor of approving Petitioner's fee request: (1) Petitioner achieved a fully favorable and uncontested decision from

the Social Security Administration; (2) Petitioner was not responsible for any delay in this matter; and (3) the de-facto hourly rate of \$1,108.05 is within the typical range for this type of matter, indicating that Petitioner does not seek a windfall. *See Baron v. Astrue*, 311 F. Supp. 3d 633, 637 (S.D.N.Y. 2018) (collecting cases with hourly fees ranging from \$1,072.17 to \$2,100 given efficient and impressive work from counsel).

For the foregoing reasons, the motion for attorney's fees in the amount of \$41,773.50 is GRANTED. Upon receipt of this sum, Petitioner shall refund the previously awarded \$8,000.00 in attorney's fees under the Equal Access to Justice Act directly to her client.

The Clerk is directed to terminate the motion at ECF No. 38.

SO ORDERED.

Dated: October 14, 2022  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge